

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRIAN JOHNSON,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. C06-0900RSM

ORDER GRANTING CONSOLIDATION
AND AMENDING CAPTION

This case is one of two filed in this District alleging that defendant's Windows Genuine Advantage program violates Washington State's spyware statute, RCW 19.270.010, *et seq.* The related case, found at C06-0927RSM, has been transferred to the undersigned District Judge as a related case, and all parties have moved to consolidate. (Dkt. #12). Having reviewed the parties' agreed motion for consolidation, and the remainder of the record, the Court does hereby find and ORDER:

(1) The parties' Motion for Consolidation (Dkt. #12) is GRANTED. The cases at issue in these motions involve common questions of law and fact. Fed. R. Civ. P. 42(a); *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2nd Cir. 1999). However, this Order does not substitute as an Order certifying this action as a Class Action. If the parties wish to certify a class, they must do so by moving this Court appropriately. Furthermore, any reference to a "class," "class period," or other

ORDER TO SHOW CAUSE

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1 class-related language shall be stricken until and unless a class is certified.

2 (2) All future pleadings in this C06-0927RSM shall now be filed under one consolidated case
3 number, C06-0900RSM, and shall be encaptioned *Brian Johson, et al., v. Microsoft Corporation.*

4 The parties SHALL NOT designate this consolidated action as a "Class Action" until the Court grants
5 authorization to do so. Moreover, the Court will not automatically consolidate future related cases
6 unless and until the parties involved in those cases move this Court to do so, or unless and until this
7 Court certifies a class.

8 (3) The parties' current pending requests to appoint co-lead counsel shall be considered only if
9 and when the parties move this Court to certify the class.

10 (4) Plaintiffs shall file a Consolidated Complaint no later than thirty (30) days from the date of
11 this Order.

12 (5) Defendant shall file its Answer to the Consolidated Complaint, or shall otherwise respond,
13 no later than thirty (30) days from the date of this Order.

14 (6) The Clerk SHALL post a copy of this Order in C06-0927RSM, and shall send a copy to
15 all counsel of record in those cases.

16 DATED this 10 day of October, 2006.

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18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
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